



83-22-06

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PTO/SB/21 (09-04)

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## TRANSMITTAL FORM

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Total Number of Pages in This Submission

1

Application Number	10/618,353
Filing Date	July 11, 2003
First Named Inventor	Jean-Marie Mathias
Art Unit	3767
Examiner Name	Catherine N. Witczak

Attorney Docket Number

F-5932

### ENCLOSURES (Check all that apply)

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<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
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<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below): <ul style="list-style-type: none"> <li>- Response to Restriction Requirement and Office Action</li> <li>- Return Receipt Postcard</li> </ul>
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Remarks		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd.

Signature

Printed name Andrew G. Kolomayets

Date March 21, 2006

Reg. No. 33,723

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Date March 21, 2006

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PATENT  
Attorney Docket No. F-5932

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jean-Marie Mathias )  
Serial No.: 10/618,353 )  
Filed: July 11, 2003 )  
Examiner: Catherine N. Witczak )  
Group Art Unit: 3767 )  
Title: NEEDLE PROTECTOR )

<u>CERTIFICATE OF MAILING</u> <u>BY "EXPRESS MAIL"</u>	
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RESPONSE TO RESTRICTION REQUIREMENT  
AND OFFICE ACTION OF FEBRUARY 23, 2006

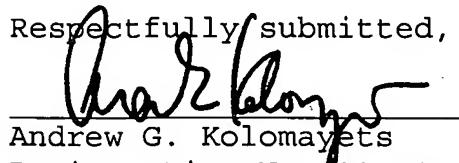
Sir/Madam:

In response to the Office Action (Restriction Requirement) of February 23, 2006, in the above-identified patent application, Applicant's provisionally elect the claimed invention of Group I (the embodiment of Fig. 4), with traverse and request that the Examiner reconsider and withdraw the restriction requirement for the reasons set forth below. Claims 1-9 and 11 read on the embodiment of Fig. 4.

With this election, Applicant understands that upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all of the limitations of an allowed generic claim. In the event that the Restriction Requirement is not withdrawn, Applicants reserve the right to pursue the non-elected claims (claim 10) in a later application.

Applicants respectfully submit that the subject matter of all of the claims is sufficiently related to allow for examination of all of the claims together. At the very least, it would seem that restriction as between the embodiment of Fig. 9 and the embodiment of Fig. 10 is unnecessary in that both Figs. 9 and 10 show the claimed needle protector with a cap, as recited in Claim 10 -- the only claim that would not read on the embodiment of Fig. 4. Applicant submits that the otherwise common subject matter of the claims warrants examining all of the claims together. In fact, it seems that a single examination would be more economical and certainly would not create any serious burden on the Patent Office.

Respectfully submitted,

  
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